

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TONY AND BARBARA
PATRINICOLA,

Plaintiffs,

v.

NAVY FEDERAL CREDIT UNION,

Defendant.

CASE NO. 3:23-cv-5137 MJP

ORDER ON DEFENDANT'S
MOTION TO STRIKE
PLAINTIFFS' COMPLAINT OR IN
THE ALTERNATIVE, DISMISS

The Court issues this Order to Show Cause sua sponte after reviewing Defendant's Motion to Strike Plaintiffs' Complaint. (Dkt. No. 8.) The Court ORDERS Plaintiffs to show cause why Barbara Patrinicola should not be dismissed without prejudice from this case for her failure to sign the complaint and other filings.

Plaintiffs, Tony and Barbara Patrinicola, initially filed their pro se complaint in Washington State Court. (Dkt. No. 1-2.) Defendant removed the action to federal court, where it is now before this Court. (Dkt. No. 1.) Defendant now moves the Court to Strike or Dismiss the Patrinicola's Complaint because it is not signed by both the Patrinicola's, but rather, just by Mr.

1 Patrnicola. Typically, when a case is filed in federal court case administrators review the
2 complaint for any filing deficiencies. But because the case was removed from State Court, that
3 process did not occur. The Court is unwilling to dismiss a pro se complaint for a filing
4 deficiency.

5 In all United States courts, a person may bring a lawsuit with the assistance of counsel or
6 by representing themselves. 28 U.S.C. § 1654. The person bringing the case is what is called a
7 plaintiff. An individual representing themselves before a court is called a pro se plaintiff. A pro
8 se plaintiff can only represent themselves, they cannot represent anyone else. Simon v. Hartford
9 Life, Inc., 546 F.3d 661, 663 (9th Cir. 2008). During a lawsuit, the lawyer or pro se plaintiff must
10 adhere to the Federal Rules of Civil Procedure, as well as the local rules for the Court the case is
11 before. Federal Rule of Civil Procedure 11 states that if there is more than one plaintiff bringing
12 the case without an attorney, each plaintiff's name, address, and telephone number must be
13 included on the first page of each filing and each plaintiff must sign each document filed. Fed. R.
14 Civ. P. 11.

15 Here, the issue is that Mr. Patrnicola appears to have written the Complaint on behalf of
16 himself and his wife. While it is fine for Mr. Patrnicola to represent himself pro se, he cannot
17 represent his wife. Should both of the Patrnicola's like to move forward with the case, Mrs.
18 Patrnicola needs to individually sign the Complaint and all other documents submitted to the
19 Court. It is equally acceptable if Mr. Patrnicola would like to proceed as the only plaintiff.

20 The Patrnicola's may dispose of this Order to Show Cause by filing a praecipe (a
21 document) asking the Court to consider the corrected complaint. See Local Rule 7(m). The
22 Patrnicola's should attach the correctly signed complaint to the praecipe. Failing to do this
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1 within thirty (30) days of this Order will result in Barbara Patrinicola's dismissal from the case
2 without prejudice.

3 The Court would also like to direct the Patrinicola's to the Western District of
4 Washington's Pro Se website: <https://www.wawd.uscourts.gov/representing-yourself-pro-se>.
5 This site provides helpful guidance and information for individuals wishing to file civil actions
6 pro se. The Patrinicola's should also be aware the Western District of Washington has local
7 rules, which guide how cases proceed. Those rules are located at:
8 <https://www.wawd.uscourts.gov/local-rules-and-orders>.

9 The clerk is ordered to provide copies of this order to all counsel.

10 Dated April 14, 2023.

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12 Marsha J. Pechman
13 United States Senior District Judge
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